

AE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION


MCI WORLDCOM NETWORK)	
SERVICES, INC.,)	
)	
Plaintiff,)	
)	
vs.)	No. 02 C 4394
)	
ATLAS EXCAVATING, INC.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

Defendant Atlas Excavating, Inc. (Atlas) moves to compel the depositions of certain of plaintiff's employees. That motion is granted. Atlas shall take the depositions of James Kelley, Brian Overton, Earl Hunter, Brian Tooley, Doug Swalec and a witness to be identified by MCI relating to the factoring of MCI's excess capacity into its rate structure. Those depositions shall be completed by December 7, 2005. Plaintiff shall cooperate in the scheduling of those depositions within that time period. A status conference will be held at 9:15 a.m. on December 8, 2005.

It would perhaps take this court longer to sort through the many charges and countercharges than it would to take the depositions. Plaintiff was on notice that Atlas wanted to take some damages depositions, which was no surprise, whether or not Atlas was dilatory in nailing down deposition dates before the discovery cutoff. And thereafter there was a period during which the focus was on settlement, not depositions. In any event, this court has no interest in sitting through, at trial, what would be discovery depositions. We recognize plaintiff's interest in bringing this to an end, and Atlas should govern itself accordingly.

Nov. 1 2005.


JAMES B. MORAN
Senior Judge, U. S. District Court